

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELWARE**

JAMES ARTHUR BIGGINS, et al,)	
)	
Plaintiff)	
)	
v.)	C.A. No. 08-004-GMS
)	
GOV. RUTH ANN MINNER et al,)	
)	
Defendants.)	

MOTION FOR ENLARGEMENT OF TIME

The undersigned Deputy Attorney General, submits this request for an enlargement of time on behalf of State Defendants Jim Welch¹ and David Pierce for the following reasons:

1. James Arthur Biggins ("Plaintiff") is a prisoner currently under the supervision of the Delaware Department of Correction ("DOC") and incarcerated at the Delaware Correctional Center ("DCC") in Smyrna, Delaware.

2. On or about January 3, 2008, Plaintiff filed a Complaint in the herein case. (D.I.1). In addition to filing the complaint, Plaintiff filed a motion requesting a Temporary Restraining Order be issued. (D.I. 3). On or about February 11, 2008, this Honorable Court issued an order directing the Correctional Medical Services, Inc., along with James Welsh, and David Pierce, Deputy Warden of the Delaware Correctional Center, (hereinafter "State Defendants") to respond to Plaintiff's motion and letter/motion on or before February 19, 2008. (D.I. 12).

¹ James Welch is the Health Services Administrator for the Department of Correction. His name has been incorrectly spelled in the complaint.

3. Due to the press of other litigation and the time needed for the collection of information required, counsel is not able to present an appropriate and informed response within the time required. In order to properly respond to the Court's order, counsel for State Defendants has requested additional information from Department of Correction personnel. For these reasons, counsel is unable to meet the February 19, 2008 deadline established in the Court's order for the filing of a response. Counsel requests an enlargement of time of six days (6) days from the February 19, 2008, date until on or before February 25, 2008, in which to file a response in this matter.

4. This is Defendants' first request for an extension of time.

5. There is no trial date scheduled in this case.

6. A form of order is attached to this motion that will grant the Defendants a six (6) day extension from February 19, 2008, until on or before February 25, 2008, in which to file Defendants' response.

WHEREFORE, the State Defendants respectfully request that this Honorable Court grant the Motion and enter an Order, substantially in the form attached hereto, enlarging Defendants' time to file a response on or before February 25, 2008.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters
Ophelia M. Waters, ID#3879
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Department of Justice
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GOV. RUTH ANN MINNER et al,)	
)	
Defendants.)	

ORDER

Upon the Defendants' Motion for Enlargement of Time and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED**.
2. The Defendants have until on or before February 25, 2008, in which to file a response.

SO ORDERED this _____ day of _____, 2008.

The Honorable Gregory M. Sleet, Chief Judge
United States District Court

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CERTIFICATION OF COUNSEL

The undersigned counsel hereby certifies, pursuant to Rule 7.1.1 of the Local Rules for the District of Delaware, that:

1. The Plaintiff is an inmate incarcerated at the Delaware Correctional Center, Smyrna, Delaware.
2. The Plaintiff is not able to be reached by telephone; therefore, counsel for the Defendants has spent no time in attempting to reach an agreement on the subject of the Motion for Enlargement of Time.
3. The undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters
Ophelia M. Waters, ID#3879
Deputy Attorney General
Department of Justice
820 North French Street, 6th Floor
Wilmington, Delaware 19801
(302)577-8400
Attorney for Defendants

Dated: February 15, 2008

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2008, I electronically filed *Defendants'* *Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. I hereby certify that on February 15, 2008, I have mailed by United States Postal Service, the document to the following non-registered participant:

James Arthur Biggins, Inmate
SBI No.: 0319264
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Ophelia M. Waters

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